

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

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KATIE CAPPuccio,

Plaintiff,

v.

Case No.

CALIFORNIA STATE UNIVERSITY,

8:23-cv-02026-FWS-DFM

FULLERTON and DAVID FORGUES,

in his individual capacity

and office capacity as Vice

President of Human Resources,

Defendants.

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VIDEOTAPED DEPOSITION OF

LIEUTENANT ROBERT MULLANEY

DATE: Wednesday, February 12, 2025

TIME: 12:47 p.m.

LOCATION: Remote Proceeding

California State University, Fullerton

800 North State College Boulevard

Fullerton, CA 92831

OFFICIATED BY: Samantha Owens

JOB NO.: 7169684

A P P E A R A N C E S

ON BEHALF OF PLAINTIFF KATIE CAPPuccio:

NICOLE C. PEARSON, ESQUIRE (by videoconference)

Yoder Dreher Pearson, LLP

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ON BEHALF OF DEFENDANTS CALIFORNIA STATE UNIVERSITY,  
FULLERTON AND DAVID FORGUES:

HEATHER DAVIS, ESQUIRE

Quarles & Brady LLP

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San Diego, CA 92101

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(619) 237-5200

ALSO PRESENT:

Ron Lazo, Videographer (by videoconference)

Katie Cappuccio, Plaintiff (by videoconference)

1 choppy. I don't know if that was my connection, but I  
2 can just restate it.

3 BY MS. PEARSON:

4 Q Did -- were you concerned that Ms. Cappuccio,  
5 your subordinate and a police officer, was making public  
6 statements on social media that were critical or  
7 objecting to CSUF's COVID-19 mitigation measures?

8 A I -- I was not concerned with her articulating  
9 her viewpoints on social media.

10 Q So based upon this information that you were  
11 gleaned from other people, you did not speak to  
12 Ms. Cappuccio regarding her noncompliance? Is that  
13 correct?

14 A That's correct.

15 Q And why was that? I'm just having a hard time  
16 understanding the connection.

17 A Because I was held to enforce this policy. I  
18 thought it would not be profitable to engage in a  
19 personal conversation, so I chose the email route.

20 Q Prior to 2021, how long had Ms. Cappuccio been  
21 employed with CSUF?

22 A I believe it was approximately 11 years.

23 Q Okay. And prior to 2021, had she ever been  
24 written up for any insubordination?

25 A Not to my knowledge. If there was any

1 Q And what do you mean by "really good on  
2 policies and procedures"?

3 A That she's a -- a detail-oriented type of a  
4 person. She -- and she knows a lot about employment law  
5 and union rights and things of that nature.

6 Q So do you think that she was or is it your  
7 understanding that she was using this knowledge of  
8 employment law and employee rights in voicing her  
9 objections to the testing requirement?

10 MS. DAVIS: Objection. Lacks foundation.  
11 Calls for speculation.

12 BY MS. PEARSON:

13 Q You can answer the question.

14 A I'm not sure the two are connected.

15 Q You don't think that Ms. Cappuccio was  
16 advocating for her rights as an employee in voicing her  
17 objections to the COVID-19 testing policy?

18 MS. DAVIS: Objection. Argumentative.  
19 Asked and answered.

20 BY MS. PEARSON:

21 Q You can answer the question.

22 A I -- I thought the bulk of her objection was  
23 not necessarily employment law or rights and privileges  
24 as a union member, it was more aligned with her faith.

25 Q Okay. So Ms. Cappuccio -- so it's your

1 trying to understand what the difference was?

2 MS. DAVIS: Is there a question pending?

3 MS. PEARSON: I'm trying to understand  
4 what the difference was.

5 BY MS. PEARSON:

6 Q What's the difference?

7 MS. DAVIS: Objection. Argumentative.

8 BY MS. PEARSON:

9 Q What was the difference?

10 A I believe I answered that question before,  
11 which is I did it one time with the other employee  
12 because I thought it might have been a -- some sort of  
13 mistake, so I thought it would be helpful to talk to her  
14 and find out if there was some alternative explanation  
15 other than philosophically or religious or otherwise as  
16 to why she didn't comply. I believe I had a  
17 understanding why Ms. Cappuccio was noncompliant, and  
18 that I didn't see it being profitable to engage her in  
19 person other than with email.

20 Q If you didn't think that Ms. Cappuccio would,  
21 you know, comply, why not just fire her? Why didn't you  
22 guys just fire her after one, two, three emails and no  
23 compliance?

24 MS. DAVIS: Objection. Mischaracterizes  
25 evidence. Incomplete hypothetical.

1 A Correct.

2 Q And are there holding cells at the police  
3 department?

4 A Yes.

5 Q How many holding cells are there?

6 A Two.

7 Q And how big are they approximately?

8 A They're small, maybe 4 by 6.

9 Q Okay. And how many detainees can they hold?

10 A Two.

11 Q And, sorry. That's two per cell?

12 A One.

13 Q Oh. So one? So there's two holding cells and  
14 you can only have one in each cell?

15 A That's correct.

16 Q And these cells, these are temporary cells;  
17 correct? Until a police department or another agency  
18 comes to pick up the detainees; correct?

19 A Or -- or we book them into the county jail or  
20 we cite them out.

21 Q Cite them out?

22 A Yes. It goes --

23 Q And how long is that process usually?

24 A I think it -- it is supposed to be four hours  
25 or less.

1 Q Was it -- I'm just envisioning during  
2 lockdowns that that number was low. Do you have a  
3 number for an average number per month of individuals  
4 that you were detaining?

5 A I -- I really don't. But I can share with you  
6 that -- that proactive law enforcement activities for us  
7 and all of us in -- in the county, the region, we -- we  
8 were policing differently during that time and then how  
9 we responded to. In custodies, we would try to avoid,  
10 if possible, bringing people into the station due to  
11 COVID protocols. So I don't have raw numbers for you,  
12 but I can tell you that I -- the numbers have to be less  
13 than prior to COVID.

14 Q And we appreciate everything that you guys did  
15 during COVID and now, so I understand that. Okay. Did  
16 you -- when you would bring them in, would they ever  
17 spend the night?

18 A No.

19 Q Okay. And did you provide meals to detainees?

20 A No.

21 Q Showers?

22 A No.

23 Q Blankets, pillows, bedding?

24 A No.

25 Q Since you're beginning to work for CSUF, have

1 you ever had, or not you, but has anyone ever had to  
2 render medical treatment to a detainee that you have at  
3 the department, police department?

4 A I don't have direct knowledge of that. I --  
5 it could certainly happen. We might have to have Fire  
6 respond to a medical emergency in the holding facility,  
7 but.

8 Q I guess in your experience as an officer and  
9 then working up the ranks, has that ever happened while  
10 you were working but someone that you have in custody  
11 needed emergency medical assistance or care?

12 A Yes.

13 Q What's an example of that?

14 A Someone can have a cardiovascular event,  
15 hyperventilation, they can have an anxiety attack, they  
16 could have an asthmatic attack, they could have a  
17 diabetic crisis.

18 Q Okay. So if you are, if the -- or, strike  
19 that. Do detainees ever spend the night in these  
20 holding cells?

21 A No.

22 Q And do the police officers who are on duty  
23 overnight, did they -- where do they stay? Do they stay  
24 at the police department?

25 A Ideally, they're patrolling the campus in



1 their police cars and -- or on foot and come back to the  
2 station on occasion to file paperwork or do reports.

3 Q Yeah. That was a silly -- it's the end of a  
4 -- actually, it's not the end of a long week, but we've,  
5 Heather and I, have been working a lot on this case.  
6 Okay. So I understand you have officers in the day  
7 shift. How long is the daytime shift?

8 A Shifts are equivalent day or night. The --  
9 they -- our department formally used a three 12 shift.  
10 It's currently a little bit different. They're doing  
11 three 12 and a half, so. But essentially it's a 12-hour  
12 shift, so you're working 5:30, six in the morning to  
13 5:30, six in the evening.

14 Q And during in 2021, was that the model, the  
15 shifts?

16 A Yes.

17 Q And how many days a week would the officers  
18 work?

19 A At the time, 2021, it was three days. One  
20 week is your short week, three 12s, and the next week  
21 would be three 12s and an eight-hour payback shift, so.

22 Q So they only work three days a week?

23 A Three -- three days one week and four days the  
24 following. Barring overtime or other court appearances  
25 or what have you.

1 Q Okay. Do you know if the CSUF Police  
2 Department is considered a residential facility?

3 MS. DAVIS: Objection. Calls for a legal  
4 conclusion and expert opinion.

5 BY MS. PEARSON:

6 Q Do you know?

7 A What was the term that you used?

8 Q A residential facility?

9 A I don't think that term should be associated  
10 with us. I don't know what that is.

11 Q Do you know if the police department is  
12 considered a healthcare facility?

13 MS. DAVIS: Objection. Calls for a legal  
14 conclusion or expert opinion.

15 BY MS. PEARSON:

16 Q I am just wondering if you know?

17 MS. DAVIS: Same objections.

18 BY MS. PEARSON:

19 Q Do you have that understanding, that it's a  
20 healthcare facility?

21 A Not that I'm aware of. We're not a healthcare  
22 facility.

23 Q Okay. During -- earlier we talked about  
24 having a minimum of two, at least two individuals at the  
25 police department. And I say individuals because I'm

1       aware, like Ms. Davis just pointed out, that there's  
2       officers, sergeants, lieutenants. When you had -- like  
3       how many officers were normally working per shift and  
4       what were their titles, or did it change every shift?

5           A       You -- you might not have every rank  
6       represented on each shift, but we do -- we do  
7       deployments per six months at a time. We have shift  
8       sign-up. Every shift has a sergeant, a corporal, and an  
9       officer or two. Ideally, sometimes with injuries and  
10      things of that nature that doesn't work out that way,  
11      but that's usually what you will find on any shift, day  
12      or night.

13           Q       And but during COVID, you didn't? You reduced  
14      the number of individuals working during any given shift  
15      to two unless more were needed?

16           A       Yes.

17           Q       And the officers that were on shift but  
18      working remotely, what kind of tasks would they be  
19      completing?

20           A       My understanding is there weren't tasks that  
21      were required. So they're not working remotely as is  
22      commonly referred to right now in 2025. They -- they  
23      were available to respond to the campus in the event  
24      that there was an emergency or one of the people that  
25      were actually physically working on campus were --

1 either came down with COVID or had some other reason  
2 they couldn't work.

3 Q Okay. So they were on shift, not on campus,  
4 and they were not necessarily providing, doing work for  
5 CSUF Police Department?

6 A Correct.

7 Q Okay. Were you aware that Ms. Cappuccio from  
8 June 2021 to November of 2021 was working on a special  
9 project with Chief Jones?

10 A I don't recollect either that at all or what  
11 that was. I don't -- I don't know.

12 Q Do you recall her preparing a business plan to  
13 revitalize the community service program? In between  
14 June and November 2021 is when she was working on this  
15 project.

16 A Sounds vaguely familiar at best, but I don't  
17 have any details.

18 Q Do you recall Ms. Cappuccio in September of  
19 2021 receiving a special assignment to some sort of a  
20 car seat program?

21 A Yeah. That sounds familiar. Yes.

22 Q Actually, I will share my screen with so you  
23 can -- so this is Exhibit 31. It's dated September 13,  
24 2021, and it's to Katie Cappuccio, University Police  
25 Department from Carl Jones, the Chief of Police, and